



CANNON BUILDING
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STATE OF DELAWARE
COUNCIL ON REAL ESTATE APPRAISERS

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, April 21, 2015 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building
MINUTES APPROVED:	May 19, 2015

Members Present

Lynn Baker, Professional Member, Chair
Douglas Nickel, Professional Member, Vice Chair
Ronald Mandato, Professional Member
Georgianna Trietley, Professional Member
Kevin Gillis, Banking Member
Frank Long, Public Member
Patricia Ennis, Public Member
Denise Stokes, Public Member

Division Staff/Deputy Attorney General

Kevin Maloney, Deputy Attorney General
Amanda McAtee, Administrative Specialist II

Members Absent

None

Public Present

Ed Falkowski III
Osborne Beall Jr.
Beverly Wilson
Jay White
Leslie Vasquez
John Zistl
Anne Bernhardt

Call to Order

Mr. Baker called the meeting to order at 9:30 a.m.

Introduction of New Council Public Member Denise Stokes

Mr. Baker welcomed Ms. Stokes to the Council.

Rules and Regulations Hearing, 9:30 a.m.: The proposed regulation changes the rules pertaining to continuing education and the responsibilities of state licensed supervisory appraisers and appraiser trainees are amended to conform to new Appraisal Qualifications Board criteria.

Mr. Maloney began the hearing at 9:31 a.m. Mr. Maloney stated that the Delaware Council on Real Estate Appraisers published proposed regulations in the Delaware Register of Regulations, Volume 18, Issue 7 on January 1, 2015. Mr. Maloney marked the affidavit of publication of the public hearing notice in the News Journal as Board Exhibit 1 and the affidavit of publication of the public hearing notice in the Delaware State News as Board Exhibit 2. Mr. Maloney confirmed with Ms. McAtee that no written comments were received by the Council office during the initial thirty day public comment period. The Council did not receive verbal testimony at the hearing. Mr. Maloney stated that the public comment period would remain open for an additional fifteen days and the Council would deliberate on the proposed regulation changes at their May 19, 2015 meeting. The hearing ended at 9:34 a.m.

~~Disciplinary Hearing, 9:30 a.m.: James Huston, 19-11-12 Dismissed – Insufficient Evidence~~

~~Disciplinary Hearing, 10:00 a.m.: Catherine Olenderski, 19-03-14 Rescheduled for May 19, 2015~~

Review and Approval of Minutes
March 17, 2015

The Council reviewed the minutes from the March 17, 2015. Mr. Nickel made a motion, seconded by Mr. Long, to approve the minutes as submitted. By unanimous vote, the motion carried.

Unfinished Business

None

New Business

New Complaints

Mr. Baker stated that the Council had received two new complaints:

19-05-15

19-06-15

Ratification of Issued Licenses

Mr. Nickel made a motion, seconded by Mr. Mandato, to approve the ratification of the issued licenses listed below. By unanimous vote, the motion carried.

Gregory A. Agrapides

Gary A. Birchall

Mark Laurent Pellerin

John Richard Keegan

Anthony G. Stablein

Jared G. Jackson

William T. Haney

Anthony G. Stablein

Elvio Dian

David Glauber

Mark Grant

CRRPA

CRRPA

Temporary Practice Permit

Temporary Practice Permit

Temporary Practice Permit

Temporary Practice Permit

Temporary Practice Permit

Temporary Practice Permit

Appraiser Trainee

Temporary Practice Permit

Temporary Practice Permit

Ratification of Issued AMC Permits

Ms. Trietley made a motion, seconded by Mr. Nickel, to approve the ratification of the issued AMC permits listed below. By unanimous vote, the motion carried.
Olde City Lending Solutions, LLC

Review of Application for Certified Assessor – none

Ms. McAtee requested that the Council amend the agenda to include the review of Appraisal Links Inc. Mr. Nickel made a motion, seconded by Ms. Trietley to amend the agenda to include Appraisal Links Inc. By unanimous vote, the motion carried.

Review of Application for AMC

Mr. Maloney reviewed the application for the Council and stated that the controlling person was the subject of administrative actions. Mr. Maloney stated that the final order of discipline was from the State of New Jersey, was dated July 31, 2009, and that he violated USPAP standards 1.1, 1.2, and 1.3 and was ordered to pay a civil penalty of \$1000 and remedial continuing education. Mr. Maloney stated that there was another order dated January 27, 2010 from the State of New York and he was where disciplined for falsely attesting that he had completed the continuing education for licensure renewal and it was found that he had not completed all of the requirements. Mr. Nickel made a motion, seconded by Ms. Trietley, to table the application for further review. By unanimous vote, the motion carried.

Review of Application for Examination – none

Review of Application for Trainee – none

Review of Application for Exemption – none

Review of Application for Reciprocity – none

Hearing Officer Recommendations – none

Review and Deliberation of Consent Agreements – none

Review of Application for Temporary Practice Permit – none

Experience Log Assignment for Report Selection and Review – none

Continuing Education Activities for Approval

Mr. Nickel made a motion, seconded by Mr. Mandato, to approve the continuing education listed below with the exception of agenda item, 4.14.2, for the Delaware Chapter of the Appraisal Institute, which was approved contingent on receiving a timed outline. By unanimous vote, the motion carried.

McKissock

Appraisal Review for Commercial Appraisals, 7 hours CE (online)
Adjustments: Supported or Not Supported, 7 hours CE (classroom)
The New FHA Handbook 4000.1, 7 hours CE (classroom)
The New FHA Handbook 4000.1, 7 hours CE (online)*

Allterra Group

2015 Keynote/the Vision for Valuation, 7 hours CE (classroom)
2015 Regulatory Update/Best Practices, 7 hours CE (classroom)

Dynasty School

Supervisor and Trainee Appraiser Course, 4 hours CE (online)

Delaware Association of Appraisers (DAA)

Delaware Law, Rules, and Regulations, 3 hours CE (classroom)
Valuation of Partial Interest, 7 hours CE (classroom)
Support and Analysis for the Sales Comparison Approach, 7 hours CE (classroom)

Appraisal Institute

AI Connect Day 1, 2 hours CE (classroom)
AI Connect Day 2 AM, 4 hours CE (classroom)
AI Connect Day 2 PM, 4 hours CE (classroom)
AI Connect Day 3, 4 hours CE (classroom)

Correspondence

Question Regarding Webinars and the Rules and Regulations Requiring Classroom Hours

Ms. McAtee stated that she received an inquiry regarding the requirement for classroom hours. Mr. Baker suggested that Ms. McAtee put the topic on the May 19, 2015 agenda for discussion of the classroom hour requirement.

Mr. Nickel made a motion, seconded by Ms. Trietley, to amend the agenda to discuss an email that was received from a member of the public. By unanimous vote, the motion carried.

Discussion of email

Mr. Mandato stated that during a discussion it was brought up whether or not an appraiser could be identified from an appraisal report since the appraisal was owned by the intended user or the report. Mr. Mandato stated that he had inquired with the Appraisal Subcommittee (ASC) and received the following response:

The Confidentiality section of the ethic rule prohibits an appraiser from communicating assignment results or confidential information (both, as defined in USPAP) to anyone other than the client and parties specifically authorized by the client. The square footage of a property is considered to be a physical characteristic and as such, does not fall into the category of assignment results. It's possible that in some circumstances the square footage could qualify as confidential information, but to qualify under that USPAP definition it would require that the client notified the appraiser that the information in confidential, and the square footage could not be available from another source.

Mr. Nickel stated that the Council could not make a recommendation. Mr. Maloney agreed with Mr. Nickel and stated that the Council could not issue advisory opinions. Mr. Mandato stated that USPAP stated that the appraiser measured the house to the best of their ability, although it may not be completely accurate. Ms. Trietley stated that there have been complaints in the past filed with Council where the square footage information was incorrect. Mr. Mandato stated that it was only a concern when the measurements had egregious errors.

Ms. McAtee stated that Council could not issue an advisory opinion and the person who made the inquiry could refer to Rule 7.0 in the Council's Rules and Regulations.

Other Business before the Council (for discussion only)

Ms. Trietley questioned when the Council wished to hold their next seminar. Ms. McAtee stated that she would find out available dates.

Mr. Nickel stated that he wished to discuss limiting temporary applications. Ms. McAtee stated that she would put the topic on the next agenda for discussion.

Mr. Nickel stated that the required Delaware law, rules and regulations course was currently three hours in length. Mr. Nickel stated that he noticed that the trend was to offer the course by itself and he was not sure if there was enough material in the course and suggested reducing the course to a 2 hour course Amanda will post on the next agenda.

Public Comment

Beverly Wilson thanked Ms. McAtee and Mr. Mandato for their assistance in helping her with continuing education courses.

Next Meeting

The next meeting is scheduled for May 19, 2015 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Mandato made a motion, seconded by Ms. Trietley, to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 10:29 a.m. The motion carried unanimously.

Respectfully submitted,



Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Council members and the public in supplementing their personal notes and recall for presentations